G. R. S. IX-5]

Previous references.

1892-93

192

(L.R.)

Later references.

File No 184-92

Serial Nos. 1-17

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-19

Part B for March 1893

SUBJECT.

Appeal of Ramaiya and another of Beeranghalli Sunkur Taluk. regarding the manner of irrigation Survey No. belonging to Nanjunda Modaliar from the Talapanse in their Case —

To, The Deputy Commissioner, Tumkur

No. 15076 D. 10.3.1893.

P.Z. 258-92

Government declines to interfere with the orders of the Dy. Comm^r. as his order is correct in rejecting the appeal as being barred by limitation —.

WD 2253—GPB—20,000—14-6-20

Index

V Translations

A. S. No. 62 of 1893-4

Appellants.

1. Kempale } of Sirsankal
2. Ramiah } Tumkur Taluk

Respondent.

Mahadeva Moodi. Tumkur
on behalf of the late Nanjunda
Moodi -

The appellants submit
this appeal against the
order of the Dy. Commr.
Tumkur District dated
28th July 1893 on the
following grounds

1. The Gokatte in question
is situated in the appellants
land S. No. 52 in Sirsankal
was constructed by the
appellants ancestors,
and has been in the enjoy-
-ment of the appellants
The respondents have
no right whatever to it.
Neither the lower courts
the amildar's court made
any enquiry in the
nor is any evidence

2. The respondents were not using the water of this Katte D their land survey no. 50. Nor was the land dependent on this Katte at the time of survey settlement On land survey no. 52 There is a separate Talpange and a separate channel. Survey no. 52 receives water from the said channel. The counterpetitioners has also invaded on the appellants right. The lower court has not considered these evidences on record Altho' the appellants had made a mention in their petition that the counter petitioners had lately let into the said Katte the channel referred to and altho' the ~~padcharas~~ amildar had personally seen this there was no enquiry whatever on this point.

3. The Katte was constructed by the appellants' ancestors and has been in the appellants holding and enjoyment. In attention to this fact the disturbing the appellants'

but simply because the portion of the land was treated as kanda and encroached conflicts with survey rules.

4. The owners of the amidar and the Dy. Commr. that the appellants do not suffer by the use of the said water by the Respondents is not proper. For, thereby the cattle are ~~the~~ deprived of water. The Respondents possesses no rights to take the water.

Pray that all the foregoing grounds may be considered and all the records perused & equitable order passed.

(Sgnd) Kempaiah
Ramiah

Dy. Commissioners order dated 28th July 1893

(1) appellants Kempaiah & Ramiah and respondent Lukhminarasiah were heard

(2) Mahadeva Mooddaliar
the uncle's son, and who is
looking after the affairs of
the Respondent the Late
Ramjimda mooddaliar
was also heard.

(3) The appellants complained
before the Amildar that
the Respondent (i) deepened
a Da Katte that was in
the appellants' lands
and (ii) by means of a
Picotta took water to his
lands; they also mentioned
in their petition that the
Respondent had built
only once the water
flowing from the Katte
and not to take water
therefrom by deep Picotta.

(4) The Amildar after
hearing the parties and
inspecting the locality
passed order to the effect,
that although the Katte and
the Jalpanige feeding it were
on both in the appellants'
survey number, yet that
portion had been treated during
the survey as "Khanah" and
unassessed, that neither the
Jalpanige nor the Katte was
of any use to the appellants,
that the appellants did not

Lubbe

suffer in any way by,
the Respondent having
taken the water, that the
appellants had no grounds
to raise objection, but
that the Respondent was
not right in keeping the
Kattu & that he should
therefore fill it up.

(5) The appellants on
their pleader Sethuthum-
-pathiah admitted that
the locality in which the
Kattu and the Talpange
are situated, had been
treated as Karah, that
they were not paying
Kandayam thereon,
that they did not require
water for their own lands
either from the Kattu
or from the Talpange,
The appellants stated that
the Kattu was constructed
by their ancestors. But
there is no record evidence
in record. The effect
The appellants and their
pleader Sethumaipathia
stated that as the Kattu
was constructed for the
use of the people and the
cattle, they would be
pleased if no enquiry
done

2

before the Dy.
Commr.

done to it.

6) Under the foregoing circumstances it is decided that the appellants have no reason to contend, & that the amildar should see that no injury is done to the Kattu.

Both the parties have been informed of this order today.

(Signed) S. K. Venkatavaradayar
Dy. Commr.

Shetkari's report dated 17-12-91.

I have inspected the land in personally. The water of the Talparige flows to Ramyanda Moodaliar's field. That the field depends upon this water, is mentioned in the petition. As there have not been sufficient rains this year, the water does not flow freely from the Talparige. As the ploughing season has commenced, the well is situated in the corner of the petitioners land has been cut 2 yards cross wise and a Kapila put up.

7

The petitioner has suffered no mischief nor loss by this Stop. Had it been productive of loss to the petitioner he should have come in the way at the time of putting up the Kapila. Below the Talpariya on which Kapila has been put up there are two other Talpariyas. The water of the upper Talpariya used to flow into the lower & thence to many unda moodalia's field. To prevent the flow of all the water to many unda moodalia's field one Kanikara residing in the same village has opened a channel. This Channel prevents the flow of water to many-unda moodaliar's field. You will be convinced of all these when you personally inspect the locality. The Kapila well may be filled up after many moodaliar's field is

is cultivated, should the owner of the land ~~does~~ not consent (D.K. Moodaliar's action). The petitioner is however no sufferer by the Kapila

(Sgnd) - - -
Shekdar

Amildar's order dated 26.3.92

On 12-1-92 I saw both the parties. There is a Gokatte in survey no. 52 belonging to Kempa Rama. There is a Jalpanige above the Gokatte. There are two small Jalpanige pits in the Katte: From the statements of Nanjunda Moodaliar & his partisans made on the spot, it is ascertained that the water of the Jalpanige above the Gokatte used to flow into the Katte & hence along with the water of the ~~two~~ Jalpanige in it into the Kodi of the Katte, and irrigate Nanjunda Moodaliar's fields nos: 50 & 57 by means of a channel.

I could believe the statement from the channels I saw

on the spot. When the
rains ordinarily
fall, the Talpanige water
flows into the Kattu and
hence freely thro' the Kodi
thereof. As the rains
were insufficient this
time, water became
short in Talpanige &
the flow stopped. Before
the stoppage of the flow
the field had been sown
crop; to prevent the crop
from drying for want
of water requisite
mordecai put up
a Kapila over the Talpanige
above the Kattu, thereby
the water into
~~before~~ the Kattu. ~~with~~
~~the water of Talpanige~~
As the said water did
not sufficiently fill
the Kattu to admit of
its flow into the Kodi
thereof, he cut the bund
of the Kattu up to the
level of lower revetment
& tried to cause the water
to follow. The ~~apt~~ petitioner
has objected to this
Besides, altho' a channel
was opened to admit of the
flow

follow of water from
Jalpaiye no. 1 to the field
~~to the~~ direct without
entering the Gokatte, he
petitions complaining of
the breach by Ranjinda
Moodalia of the bund of
the Gokatte, & protesting
against Ranjinda
Moodalia putting up
a kapila & over the
Jalpaiye. Although
both the Jalpaiye and
Gokatte are in the
petitioners' holding
that portion of the land
has been treated as
"Karah" during the
Survey, the Kattay has
moreover been Constructed
for Charitable purposes,
& Ranjinda Moodalia
has a right to Jalpaiye
water. Therefore the petitioner
has no reason to raise
the objection he has.
Ranjinda Moodalia
may take Jalpaiye
water in whichever way
he likes. The petitioner
acts in opening a
Channel from the

Talpanige direct without
allowing the follow
of the water thereof into
the Kattu is more than
he should have done.

Manjunda mordaliar's
act in ~~breaking~~ cutting
the bund of the Kattu
intended for the use of
the cattle is not proper
. He could have put up
a Kapila over the
bund itself for raising
water. Now manjunda
mordaliar should fill
up the ~~breach~~ breach in
the bund of the Kattu,
keeping it at the level
prescribed by the Taluk
authorities & remit of
its containing water
sufficient for the
people & the cattle &
use the surplus water.

When the water does
not flow thro' the
Kodi manjunda
~~mordaliar~~ mordaliar may
take water by means
of a Pikotta or Kapile
If the damages the
bund or Channel
cause for new water
into the Kodi he

will be liable for
damaging the Chandelier
Katte. This should be
communicated to both
the parties, their Signatures
taken & the records
sent back. d 26/3/92

(Signed) B. Ramadurai
Amildar

Tranlation

SKR

5/5/94

Memo.

Petn. No 3258 of 1892-93
Petr. Ramia & another

Draft of endorsement as her order is submitted.

From the nature of the case a question whether the period of limitation prescribed in Sec. 211 Land Revenue Code is applicable to an appeal from the Amildar's order, seems to arise. It has not been raised by the parties, but as it seems to be question of law worthy of consideration and no paper explaining the nature of the case had before this been placed before the Council, I beg leave to submit this note.

The nature of the case is explained in the enclosed note. The Amildar's order seems to be somewhat unique as it gives one license to build a sluice to a private charitable Sanskatte belonging to another, and to plant & work a Kapile on the bund of the Katte.

The case in which it was

passed was apparently one which related to Irrigation Rights.

A case of that kind is an Amildar's Referred Case and the procedure prescribed in regard to such cases is that the Amildar should hold enquiry and report the proceedings for the orders of the D.C. (Commissioner) Vide Rules published at page 232 (Para 20) of the Revenue Manual of 1886 and the form of the Register of Referred Cases at page 238 of the same. It is one of the cases declared in Sec. 43 para 4 of the Revenue Rules now in force as not cognizable by the Amildars

If the above view is correct the Amildar had no power to pass a final order, and the order in question was are not passed under the Land Revenue Code or under any other law for the time being in force -

The limitation prescribed in Sec. 211 Land Rev. Code would appear to apply to appeals from orders passed under the L.R. Code or any other law for the time being in force referred to in Sec. 210 of the Code.

7/7/93

Even under the erroneous view that the appeal was not barred by 90 days from date of order passed by Amildar in Class II cases, the appeal in this case was barred by time, it was presented on 10th August 1893.

Petitioners complain of the counter Petr, one Ranjanda Modr, having in an unusual manner taken the water of a Talpariya to his wet land no 50 by invading their rights of property. The talpariya is situated on land no 52, which belongs to Petitioners and the Survey accounts shows that counter Petrs land no 50 is to get its supply of water from the Talpariya through a channel. On the Petitioners' land no 52, there is also a Gova Katte, which Petitioners have been asserting without contradiction, was built by their ancestors. The Petitioners' case is that while the Counter Petr was entitled only to use the natural flow of the Talpariya water through the channel, he, at a time when the spring went low owing to drought, trespassed on their land no 52, dug up a part of it near the Talpariya in bullocks to play about, deepened the Talpariya, set up a Kapile on it, made a breach in the bund of the Gova Katte and took water through it by means of the Kapile. These acts are not denied, but it is urged on the other side that ordinarily the water of the Kapile flowed first into the

Gorukatte in addition to the water of two small springs in its bed, that the water overflowing through the Kodi channel used to irrigate Counter Petrs land, that as water sufficient to overflow could not be lifted up by means of the Kapile, the bund was cut open, and that Petitioners had dug up a well near the Talpariye deeper than the Talpariye & made a new channel - The Amildar to whom both parties petitioned, inspected the spot but recorded no evidence, believed that as stated by Counter Petr the water of the Talpariye would be first stored in the Gorukatte, and decided -

(1) that Counter Petitioner could take water from the Talpariye in any manner he chose

(2) that Petitioners had no right to complain as that portion of their land No 52 on which the Talpariye & Katte are situated is not assessed by Govt, and the Katte was a work of charity

(3) that the Counter Petr should close the breach caused by him in the bund

(4) that Counter Petr should construct a sluice on the bund of the Gorukatte at a spot to be pointed out by the Taluk authorities, &

(5) that when water failed to flow through that sluice to Petrs land, the counter Petr might put up a Kapile on the bund and draw water thereby.

Yes - leave given as per Court to exercise R. decision in appealing & notice to appear on its merits -

12/1/1893

The order sums up the position as between the parties and the case has apparently no further bearing on the question as appears on the face of the order.

10/7/93

A.S. 23 of 1892-93.
Petn. No 491 of —do—

appts. 1. Ramayya
2. Kempali
by Mr. S. Narayanaka
Advocate.

This is an appeal against an order of the D.J. Comr. of Tumkur dated 23rd July 1892, rejecting as being barred, an appeal presented to him on that date, from a decision of the Amildar of Tumkur dated 26th March 1892.

The Appellants state that the D.J. Comr. was wrong in rejecting the appeal without ascertaining the date on which the order of the Amildar was made known to them ~~Appellants~~

With reference to this the D.J. Comr. states in his report that Petitioners were present when the Amildar's decision was given and pronounced and refused to sign it as required, and that they further admitted before him (D.J. Comr.) as recorded by him on the petition of appeal presented to him, that they were aware of the Amildar's order.

From the Amildar's order

and notes thereunder it is seen that Petitioners were not present when the decision was passed - The Amildar wrote the order at a village called Nalhal (not Petn village which is Birnakal) about 2 months after he made local enquiry in the matter of Petn's complaint, and he therein directed the Shekdar to intimate the order to the parties & take their sig/natures thereunder. The Shekdar's note thereunder that the order was read to Petr Kemplo but that he refused to sign bears no date; Similarly the endorsement of the counter Petr that the order was communicated to him bears no date but the Shekdar's report returning the papers with the above note & endt to the Amildar is dated 15th May 1892.

Petn do not appear to have denied having knowledge of the Amildar's order. They stated as follows in their Petn to the Dy Collr:— "The Amildar did not pronounce his order in the presence of parties It was after a long interval that Petn came to know of the order having been passed. They came to know of details only after Copy was obtained" Against this, the Dy Collr has made the foll note:— "Petr has stated before me that he knew of Amildar having passed the order."

Supposing the order was communicated to Petitioners on the date

Extract translation from the concd proceedings is submitted - If the parties were present before the Amildar on the date of this order, it is not likely he would have directed the Shekdar to communicate the order to them or that the Shekdar would have taken nearly two months to resubmit the papers. It is likely the Dy Collr overlooked the direction to Shekdar & the interval between the Amildars order & the Shekdars report. Explanation may, if approved, be called for

JK

of the Sheddars report w/c 15th May 1892, the time for appealing expired on 14th June, unless there was delay in the preparation of copy of the Annilda order. Appellants not having produced with their appeal the copy which they obtained, it is not possible to say what delay there was.

Submitted to the Council

3/3/93

When was the appeal received by us?

3/3/93

On 23-7-92, as noted in para 1.

Remb'd 4.3.93.

respectfully submitted.
The portion referred to is marked now in pencil

The Secretary
The appellants
3/3/93

(14)

OS no 62 of 1893-94

Appt

1 Kampale
2 Kaima
of Byrankal
Seinkur Taluq
represented by
his L. Sreenivasayya
Advocate

Respt

Mahadeva
Modaliyar

Here is a Jalpariga or spring in Petitioners' land no 52 & also a Pond, both of which are shewn in the accounts as Phoot Kharab. Respts ~~thereupon~~ Case under this was entitled to irrigate his land no 56 from the Jalpariga cut down the bund of the Pond in 1891-92 & took water of the Jalpariga through it — Petitioners complained about it, & the Dy Com while holding that Petitioners had no right to complain as there was nothing to shew that the Pond belonged to them, directed the breach made in the

Pond to be closed, & ordered that
Respt stones in future take
water except enjoying the bond.—

Appellants contention is,
that Respt ~~has~~ is only entitled to
such water as leaves the Pond from
the dam, that he has no right to take
the water from the spring as he does in 1891-92.
~~and~~ nor to cut open the bund
& requests that declaratory orders might
be issued for not interfering either with
the spring or the Pond.—

It is admitted on all sides
that Respt has no right to cut open the
bund of the Pond, & the Court has himself
ordered that the bund should under no
circumstances be injured — & the only
point which requires to be decided is,
whether Respt has right to take water
& take it through the dam. The
Amedkar's enquiry shows that there
is one Talpanya outside the Pond, & two
more small Talpariges on the Bund

itself, & that the water of all
there ~~the~~ Talparegos uses to
flow by a channel through
the Kodi — ~~From the statement~~ It
is not however clear whether the
channel begins at the Talparega
& runs through the Kodi, or begins
after water leaves the Kodi. The Dy
Cons is requested to make enquiries
on the point & issue definite
orders. ~~with reference to cessation~~
There is no objection to water being
baled from the Talparegos, when
that becomes necessary, nor to its
being taken by means of a channel
if that can be done without injury
to the Pond, & without diminishing
the water collected in the Pond —

HCP

21/5/94

HCP 18/5

Mrs are referred to the Dy Cons
who has been requested to issue
definite orders. HCP

HCP 18/5 — 26.5.94

(1) Stamp sufficient

(2) Copy order proposed

(3) Appeal admit

✓ Call for Hosp: with a report

RO.

N

23/8/92

LR 184-92-1

(General Serial No. 32.)

1892.

(2)

No. 491

Name of Petitioner. 1 Ramaya 2 Kempali

Village. Biranakal

Taluk. Kunkur

District. DO

Date of Arzi. 22.8.92

Date of Receipt. 23.8.92

Date of Disposal. -

No. of Enclosures. 1

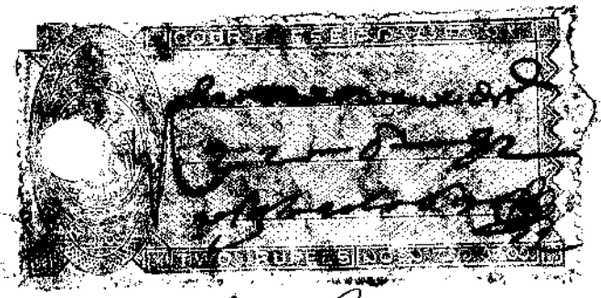
ABSTRACT.

Subject.

Appeal against the Hosp's order dated 20. July 1892 rejecting the Appellant's petition in the matter of one Ramanna Mudaliar taking water from the Kalapanve in the Appellant's land No. 52 against Mamool

A.S. No 23
92-93.

Book Ref Book



(1)

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT.
RECD. NO. 491 R
DATE 23-8-92

Wood Rs. Stamp

In the Court of the Dewan and Councellors to the Government of His Highness the Maharaja of Mysore.

Mis: Application No: of 1892

Appellants.	Respondent.
1 Ramayya.	
2. Hanpali residing at Béranakal of Horasanath of Tumkur Taluk.	Nunjunda Inodalian.

The appellants above named respectfully beg to appeal against the order of the Deputy Commissioner of Tumkur dated 23rd July 1892 rejecting an appeal against the order of the Amildar of Tumkur No: 297 dated 26th March 1892 for the following reasons.

The Learned Deputy Commissioner was wrong in rejecting the appeal as being presented out of time without ascertaining

the

2/ the date on which the order of the Amildar was made known to the appellants.

2. The order of the Amildar was passed behind the back of the parties and the appellants came to know of it only a few days before the appeal was presented.

3. The tank or "Cattay" in dispute was built by the father of the appellants and has been in the possession of the appellants and their father ever since. Either the respondent or Government had no right over the same The act of the respondent in breaching the bund of the said tank or cattay was wrongful The respondent further wrongfully entered upon the land in the holding of the appellants and dug a channel from the well or spring situated in the said land and attempted to take the water thereof by means of a "Kapilay" to his land beyond. The appellants complained to the Amildar of these wrongful acts of the respondent but the Amildar ignoring the previous order

JM

3/ of Mr. Krishnamoorthy the then Deputy Commissioner in a similar case to the effect that the excess water that might flow on to the land from the spring and tank can alone be used ordered that the respondent might build a sluice to the tank and that he, the respondent might use a "Kapilay"

4 The order of the Amildar and of the Deputy Commissioner are entirely illegal and are opposed to the existing state of things and the Government records.

For the foregoing reasons the appellants pray that this Honourable Court will be pleased to set aside the orders of the Amildar and of the Deputy Commissioner

Bangalore
22nd August 1892

S. Narayanarao
Advocate

1
2
3
4

5. [illegible]

6. [illegible]

7

8

9

10

11

12

23/7/92

1 Pet 31
288

(3)

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 491
dated 22—8—92 received at the
Dewan's Office from Ramaiya and
Ranpali of Biranakal
Tumkur Taluk, appealing
against the Deputy Commrs
order rejecting their complaint
against Ranjunda Hood
taking water from the Talab
in their land,
is forwarded, together with its one
enclosures, to the Deputy Commr
Tumkur Distt for submission
of Proceedings with a report
on the facts of the case and
on the points taken in the
petition.

2 The petition should be
returned.

From the Comrs Dis 491 of 31/8/92

By Order,

Chief Secretary

29—8—1892
31—

Endorsed
31/8/92

(General Serial No. 30.)

1892 (93-5944-
Pet 282

LR 1894-92-3

From The Deputy Commissioner
Tumkur Distt

(4)

To The Chief Secretary to the
Government of Mysore

Dated Tumkur 5th December 1892

Despatched

Received

Enclosures No. Rv:

General No.
No. 491.

Secy's Official Memorandum
No. 258 of the 29th August 1892.

—"—

Submitting report on the
petition of Ramaya and
Kempali of Biranhal
Village in the Tumkur Taluk.

Rejected for want of
7/12/92

67 M
7/12/92

Recd
Ikm
8/12/92

To the same Dis 1507 6/10/1893.
P.T. 25-8-93

7/12

Deputy Commissioner's Office
Tumkur District

No. 491. Tumkur 5th December 1892.

(4)

To.

The Chief Secretary to the
Government of Mysore

Sir

With reference to your official memorandum No. 288 of the 29th August 1892, forwarding for submission of Proceedings with a report a petition from Ramaya and Kempali of Birankal village in the Tumkur Taluk appealing against an order of mine rejecting as time barred their appeal from an order of the Amildar of Tumkur I beg to state as follows.

2. In December 1891 the petitioners complained to the Amildar that Srs. Nanjunda Goodaliar was, against Pramool, taking water from a spring in their field by means of a pikota instead of only

record - It was further stated that the said Vanjunda Moodaliar had made a cut in the bund of a "Jocatté" to enable him to lead on the water from the said spring to his field.

The Amildar inspected the spot on the 12th January 1892 in the presence of both parties and decided that so long as Ellu Vanjunda Moodaliar was entitled to take water from the spring there was no objection to his using a picota, the water in the spring having, owing to the drought last year, gone down. As for the cut made in the bund of the Katté the Amildar decided that Ellu Vanjunda Moodaliar should close it.

Upon this the petitioners appealed to me on the 23rd July 1892 i.e. long after the time allowed therefor by section 211 of the Revenue Code. I therefore rejected it.

government the petitioners say that they were not aware of the Amildar's order and that that order was passed without notice to them. But the record shews that they were present when the Amildar decided the matter. Further at the time of the presentation of the appeal to me the appellant admitted that he was aware of the Amildar's order and this admission was then and there recorded on the appeal petition. The record further shews that when the Amildar's order was read to the appellants they refused to sign it but that the other party Alr. Vanjinda Mudaliar signed it.

6 The record of the case is herewith submitted as also the petition to government and its enclosure.

I have the honor to be
Sir
Your most obedient servant

Deputy Commissioner

491

14 - 3 - 93

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

9/14 March 1893

Endorsement granted to Ramayya and Kampali of Birankal, Tumkur Taluk, represented by Mr. S. Narayanaker advocate,

in reply to their Petition Registered No. 491 dated 22nd August/92 appealing against the order of the Deputy Commissioner of Tumkur, rejecting their appeal as being barred by limitation.

Petitioners are informed that the Shekdar's report shows that Petitioners were aware of the Amildar's order on or before the 16th May/92, that their appeal to the Deputy Commissioner, compiling the limitation from 15th May/92, was not preferred within the prescribed time, and that the Deputy Commissioner's order is therefore correct and cannot be interfered with. This appeal to Government is rejected.

"By Order"

Draft
(Councillor's order)

Chief Secretary.

Mysore Govt. Central Press, Bangalore.—9-3-93—2000.

Copy

O.T.O.

5976
R. No. 258-92

Copy of the above is forwarded to the Dy Commr of Tumkur with reference to his letter No 491 dated 5th Dec 1892.

The records received from the Dy Commr are returned.

By order

Chief Secretary

No. 491

14 MAR. 93

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
9th March 1893

74

Petitioners granted to Ramayya and Ranjaiah of Beraikal, Sira Taluk, represented by Mr. S. Narayana Rao, Advocate,

in reply to their Petition Registered No. 491 dated 22nd August 1892 appealing against the order of the Deputy Commr of Tumkur, rejecting their appeal as being barred by limitation.

Petitioners are informed that the Shekdar's report shows that Petitioners were aware of the Amildar's order on or before the 15th May 1892, that their appeal to the Deputy Commissioner, even computing the limitation from 15th May 1892, was not preferred within the prescribed time, and that the Deputy Commissioner's order is, therefore, correct and cannot be interfered with. This appeal to Government is rejected.

Copy for Petitioners

"By Order"

T. Mandappa Rao

Chief Secretary.

Mysore Govt. Central Press, Bangalore.—9-3-93.—2000.

(General Serial No. 32.)

1893.

No. 3258 (7)

Name of Petitioner. Ramiah & Kempa

Village. Beeranakallu

Taluk. Tumkur

District. Do

Date of Arzi. 10-6-93

Date of Receipt. 10-6-93

Date of Disposal.

No. of Enclosures. One.

ABSTRACT.

With reference to this office endorsement no: 491 dated 11 March 1893, the petitioner states that the Amildar did not inform the petitioner of the judgement as soon as it was given & so prays that his Appeal, which was rejected by the law of limitation may be admitted.

13/6.

No. 3

Submitted for orders, with reference to the petitioners appealed to this office from the order of the Dy Com.r of Tumkur rejecting their appeal as barred by limitation. This were informed by endorsement No. 491 dated 9 March 1893 that the Dy Com.r order was correct.

They pray for a review of the said order on the following grounds:—

1) The Amildar did not give his decision on the date of the investigation. He ordered to be kept pending the institution of the orders passed by Dy Com.r for 2 months when he could have given his decision. Considering that the matter could be disposed of on the spot, the petitioners might be informed of the decision by endorsement instead of keeping them in suspense.

2) The endorsement of 15 May 1892 by Village Accountant stating that the order was communicated to Ramiah on that date, had been kept to help the other party. It is clear that it is fraudulent.

3) They request that they may be permitted to produce evidence regarding the question as to when they were informed of the decision of the Amildar on 15th May 1892.

The date of the endorsement received is not stated.

12/6

Returning with the request which is to be sent to Deputy Commissioner Tumkur

Copy
5/6/94

(6)

ನಂ 1

ಪೆಟ್ಟಿಷನ್ ಆಫ್ ಅಪೀಲ್ ಆಫ್ ಸಿವಿಲ್ ಸೂಟ್ ನಂ 491 ಆಫ್ 1892-93

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. NO. 3258 /94
DATE 10-6-93

ಪೆಟ್ಟಿಷನರ್ಸ್

1 ಕೆ ಸುಬ್ಬರಾಯ ಶೆಟ್ಟಿ
2 ಕೆ ಸುಬ್ಬಯ್ಯ ಶೆಟ್ಟಿ
3 ಕೆ ಸುಬ್ಬಯ್ಯ ಶೆಟ್ಟಿ

ರೆಸ್ಪಾಂಡೆಂಟ್

ಕೆ ಸುಬ್ಬರಾಯ ಶೆಟ್ಟಿ

ಈ ವಿಷಯ ಕಾಲಾಳ್ಳು ರೆವಿನ್ಯೂ ಪಾಂಡು ಪೆಟ್ಟಿಷನರ್ ಪರ ವಕೀಲರಾದ ಶ್ರೀ ಎಸ್ ಎಂ ಅಬ್ದುಲ್ ಖಾದರ್ ಸಾಹೇಬರು ಹಾಜರಾಗಿದ್ದರು. ಕಾಲಾಳ್ಳು ಕೆ ಸುಬ್ಬರಾಯ ಶೆಟ್ಟಿ ಪರ ಯಾರೂ ಹಾಜರಾಗಿರಲಿಲ್ಲ. ಕಾಲಾಳ್ಳು ಕೆ ಸುಬ್ಬರಾಯ ಶೆಟ್ಟಿ ಪರ ಯಾರೂ ಹಾಜರಾಗಿರಲಿಲ್ಲ. ಕಾಲಾಳ್ಳು ಕೆ ಸುಬ್ಬರಾಯ ಶೆಟ್ಟಿ ಪರ ಯಾರೂ ಹಾಜರಾಗಿರಲಿಲ್ಲ.

1 ಕೆ ಸುಬ್ಬರಾಯ ಶೆಟ್ಟಿ

2 [illegible]

3 [illegible]

4 [illegible]

5 [illegible]

ہے کہ مدعا علیہ نمبر 1 کے والد نے مدعا علیہ نمبر 2 کے حق میں 1892ء کی بیع نامہ کے ذریعہ 5/8 حصہ
مکان کا فروخت کیا تھا۔ مدعا علیہ نمبر 2 نے اس مکان کے حصہ کو مدعا علیہ نمبر 3 کے حق میں
فروخت کیا۔ مدعا علیہ نمبر 3 نے اس مکان کے حصہ کو مدعا علیہ نمبر 4 کے حق میں فروخت کیا۔
مدعا علیہ نمبر 4 نے اس مکان کے حصہ کو مدعا علیہ نمبر 5 کے حق میں فروخت کیا۔ مدعا علیہ
نمبر 5 نے اس مکان کے حصہ کو مدعا علیہ نمبر 6 کے حق میں فروخت کیا۔ مدعا علیہ نمبر 6 نے
اس مکان کے حصہ کو مدعا علیہ نمبر 7 کے حق میں فروخت کیا۔ مدعا علیہ نمبر 7 نے اس مکان
کے حصہ کو مدعا علیہ نمبر 8 کے حق میں فروخت کیا۔ مدعا علیہ نمبر 8 نے اس مکان کے حصہ
کو مدعا علیہ نمبر 9 کے حق میں فروخت کیا۔ مدعا علیہ نمبر 9 نے اس مکان کے حصہ کو مدعا
علیہ نمبر 10 کے حق میں فروخت کیا۔

مدعا علیہ نمبر 10 کے حق میں 1893ء کی بیع نامہ کے ذریعہ

مدعا علیہ نمبر 1 کے حق میں

LR 184-92-7

(9)

Read

Petition No 3258 dated 10th June 1893 from Ramia and Kampali of Sirankal, Tumkur Taluk, praying for reconsideration of the order conveyed in Endorst No. 491 dated the 9th March 1893, and for enquiry regarding the date on which the Amildar's order, the appeal preferred against which was rejected as barred by the Dy Commr., was communicated to them

Order. 898 dt 14/18/7/93
Pet F. 258-92

The Deputy Commissioner is requested to excuse the delay in the presentation of the appeal and to dispose of the appeal on its merits.

15/7
Chief Secretary.

To The Dy Commr Tumkur Dist.

No. 3258 Dis 184-92-3

Endt issued.

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
14/7/1893. (8)

Endorsement granted to Ramia and Kampali of Bramkal Tumkur Taluk

in reply to their Petition Registered No. 3258 dated 10 June 1893

Petitioner ~~is informed that~~ are referred to the Deputy Commissioner Tumkur District, who has been instructed to admit their appeal and dispose of it on its merits.

21/7/93

"By Order"

Draft 15/7

Chief Secretary.

Mysore Govt. Central Press, Bangalore,—9-2-93—2000.

(General Serial No. 32.)

1893

No. 1074

Name of Petitioner. Kapile + Ramiah

Village. Beeranakallu

Taluk. Tumkur

District. ~~24-10-93~~ Tumkur

Date of Arri. 24-10-93

Date of Receipt. 30-10-93

Date of Disposal.

No. of Enclosures. three

ABSTRACT.

Appeal against the Deputy Commissioner's order, dated 24-7-93, on the following grou

that the Katte, situated in the survey no: 52 (waste land) was constructed by their ancestors, bu the Lower Court did not take an evidence to the effect that the Katte belongs to them; that during the Survey classification, they had recorded that this no: is irrigated by the water of the "Tulsarage" in

the same no. that even the fact stands
thus the Respondents had misrepresented
that the water flows into the said Katte
& breaches it which fact the petitioners
have shown to be false in their petition,
but the Lower Court has failed to
notice it; that the Lower Court's
order, that they have no locus
to Katte, constructed by their ancestors,
only on the ground that it is situated
in the border waste land, is not
consistant with the Survey Rules;
& that the Lower Court's saying
that they will have no loss by the
Respondent using the water of the
Katte is false, as they (petrs) have
-ft the Katte as reservoir for the
cattle to drink water, but if the
sponsor uses the water the
Katte will be empty & will not
serve as reservoir.

K/11.

N.J. No. 62/93-94

1074R

30-10-93

COURT FEE

12-10-93

(10)

24/10/18

1 ≠

++ ≠

Pet 748

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 1074 dated 24. 10. 93 received at the Dewan's Office from Kampali and Ramaiya of Birankallu Tumkur Taluk, appealing against the Deputy Commr's order d 28. 7. 93, regarding the ~~[illegible]~~ of the wooden of a certain ~~[illegible]~~ Katte in the said village, is forwarded, together with its three enclosures, to the Deputy Commr Tumkur District, for submi of the proceedings with a report on the facts of the cas and on the points urged in the petition.

The petition with its encl should be returned.

By Order,

Draft- KA-15/11

Bangalore, 13 Nov 1893.

Chief Secretary.

14/11

M. G. C. P. Bangalore.—21-11-92—3,000.

LR 184-92-41

General Serial No. 305 10708

1893.11

Pet 383

From The Deputy Commissioner Tumkur District (13)

To

The Chief Secretary to the Dewan Govt of Mysore

Put up previous file about the same matter -
Prepare precis -
Post for hearing -
Issue notice to both parties -
[illegible]
11/1

Dated 8th January 1894

Despatched 9th —do—

Received

Enclosures No. 2 files

General No. 539.
No.

Does official Memorandum No. 748 dated the 13 November 1893

— " —

I submit the proceedings connected with the Complaint of Complainant Ramiah of Biranakallu in the Tumkur Taluq with records &

Note No 21 is not the Correct one - There is another file & it will be sent up
[illegible]
[illegible]
The file is sent up.
[illegible]
26/1

Posted 6-10-94

Petition Granted 11/1 [illegible]

S. Jinkur district.

No 539
Encls: 2 files

Deputy Commissioner's Office
Jinkur 8 January 1894.

(13)

To

The Chief Secretary to the
Government of Mysore

Sir,

With reference to your Official Memorandum No 748 dated the 13th November 1893 forwarding for report (and submission of proceedings) the petition of Kampali and Ramiah of Biranhalli in the Jinkur Taluk, appealing against the order of this Office dated the 28th July 1893 regarding the use of the water of a certain katté (or small tank) in the said Village by one Narsinda Boodliar for cultivation, I have the honor to state as follows.

2

2. The katte in question and the Salapariye which feeds it are situated in the Petitioners' land survey no 52. That part of it in which they are was treated as Karab at the survey and no assessment was imposed on it. According to the Cattarpatrika issued by the Revenue Survey Department, the said Nanjunda Hoodliar is entitled to use the Salapariye water for the irrigation of his land (Survey no 50). This fact is admitted by the petitioners, and they further admit that the water in question is of no use to them. They only want the katte, which they say was built by their ancestors, to be left for the use of people and cattle. Except their bare oral assertion there is

nothing

nothing on record to show that the
Katte was built by their ancestors.
Their only aim is to deprive the
said Nanjunda Moodliar of water.
With this object they complained
that he had cut open the bund of
the Katte and damaged it. Enquiry
showed that he had done so to take
the Talapariyé water to his field.
He was told to repair the damage
and warned to take water in
future without injuring the Katte
needlessly. Against this settlement
the petitioners have now appealed.

3. The record of the case and the enclosures of the official memo under reply are herewith submitted.

I have the honor to be
Sir,
Your most Obedient Servant.

N. Subbarayan
Deputy Commissioner

LR 1892-93-12

Before the Government of *His Highness* the Maharaja of Mysore.

15

Appeal No. 62 of 1893 94

Appellant.	Vs.	Respondent.
1 Kampali 2 Ramia of Byrankal Immkur Taluk represented by M-L Sreenivasiengar advocate		Mahadeva Moodliyar

Decision. dated 15-5-94.

There is a Talpariga or spring in Petitioners' land No 52 and also a Pond, both of which are shewn in the accounts as Phoot Kharab. Respondent's late uncle who was entitled to irrigate his land No 50 from the Talpariga cut open the bund of the Pond in 1891-92 and took water of the Talpariga through it. Petitioners complained about it, and the Deputy Commissioner, while holding that Petitioners

had no right to complain as there was nothing to show that the Pond belonged to them, directed the breach made in the Pond to be closed and ordered that Respondent should in future take water without injuring the bund.

2. Appellants' contention is that Respondent is only entitled to such water as leaves the Pond from the Khodi, that he has no right to bale the water from the spring as he did in 1891-92, nor to cut open the bund, and requests that distinct orders might be issued for not interfering either with the spring or the Pond.

3. It is admitted on all sides that Respondent has no right to cut open the bund of the Pond, and the

the Deputy Commissioner has himself ordered that the bund should under no circumstances be injured, and the only point which requires to be decided is, whether Respondent has right to bale water and take it through the Kodi. The Amildar's enquiry shows that there is one Talpariga outside the Pond, and two more small Talpariges in the Pond itself and that the water of all these Talpariges used to flow by a channal through the Kodi It is not however clear whether the channal begins at the Talpariga and runs through the Kodi or begins after water leaves the Kodi. The Deputy Commr is

requested to make enquiries in the point and issue definite orders. There is no objection to water being baled from the Talpariyas, when that becomes necessary, nor to its being taken by means of a channel if that could be done without injury to the Pond, and without diminishing the water collected in the Pond.

'By order'

Chief Secy

Redraft

No 20204 of 21.5.94
P.F. 258-92

Copy to the Deputy Comm. Jamkhed Dist with the proceedings received with his letter No 539 of 8-1-94.

'By order'

Chief Secretary

18/5/94

Print in abstract
21/5/94

57 2080 2856 0

25-5-94

No. 1674
as 62

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT, (16)

21st May 1894
25

Endorsement granted to Kempali and Ramia of Byrankal, Tumkur Taluk by M. L. Srinivasiengar advocate

in reply to Their Petition Registered No. 1074 dated 24-10-93 appealing against the Deputy as 62 Comm^r's order regarding the use of the water of a certain ~~Katte~~ Channel by ~~one~~ the owner of land No 52 / land No 50.

Petitioner ~~is informed that~~ are referred to the Deputy Commissioner who has been requested to issue definite orders.-

2 The enc: are returned.

18/5/94

By Order,

Chief Secretary.

M. G. C. P. Bangalore—6-3-94.—2000.

Ref. No. 92-161

Sealed by Council.

This petition & the file connected with came back with the record of Bywaters case.

18-12-95

/

Call upon the Dep Comptr to report regarding the boxes of the mistake said Wharf have been committed by the Corporation on the date of hearing

Engineer & Surveyor to furnish

Draft accepted 19/12/95

Draft accepted 19-12-95

Proper
19/12

Petitioner not heard in Council
(Remanded) Papers to file.
24/1/96

Stamp sufficient
In time
Appeal from the Dy Commr's order
dismissing the appeal presented to
that offr for appellants' default.

Petitioners represented to the Dy Commr
that when filing the appeal the 2nd
Petr Ramiah was told by the Dy Commr that the appeal
would be heard on the 2nd May 1895;
that accordingly the Petrs appeared
before the Dy Commr with their Pleader
on the 2nd May; that they were then
informed that the case had been
posted to 30th April & was dis-
missed for default on that date;
and that no notice or other
intimation of the change in the date of hearing
was given to them.

In reply the Dy Commr gave to
following understg to Petitioners:—
"At the time the appeal was filed,
(Petrs) were clearly informed personally
that the appeal had been posted for
the 30th April. As (they) did not come
that day the appeal was struck off."

Petrs urge in this appeal that
they understood the date to be 2nd May
& accordingly appeared on that date.

The case relates to an irrigation
dispute. It was once heard in Council
& remanded to the Dy Commr.

Subt for orders.

25/9 Heard Dy Commr's counsel.
Please see the appellants
note on the file 30/9/95.

2.

(Original No. 32.)

189 .

(17)

No. 447

Name of Petitioner. Kampialle an
Ramiah

Village. Beriamakallu

Taluk. } Tumkur
District. }

Date of Arzi. 26-7-95

Date of Receipt. 29-7-95

Date of Disposal.

No. of Enclosures. 2

ABSTRACT.

Appeals against the order
of the Deputy Commr
rejecting his appeal re
regarding the easement
of water course in S. Nos
for non appearance on
date of hearing and pr
that records may be ca
for and orders passed.

8/8/95

Drawn
1/8.

1260 dt. 20.4.98

Two rupees Stamp affixed

Enclosures were returned to the 2nd appt: on his application dt 9-7-97 Rc. 117/97-98. on 24/7/97

MYSORE REVENUE OFFICE
PETITION DEPARTMENT.
REG'D. No. 447
DATE 29.7.97

(11)

4

5

26/7/95

62

Gen. Serial No. 31.]

1895

AR 1894-92-157

From P (18)

To

The Dy. Commissioner
Tumkur District.

Dated 23d December 1895.

Despatched 24th

Received

Enclosures No. 3

General No. 5732
P.F. No. 258-92

with its Enclosures.

In forwarding herewith petition registered No. 447 dated 26th July 1895, presented to Government by Kempaiah and Ramaiah of Biramkallu, Tumkur Taluk, I have the honor to request that the Dy. Commr. will be good enough as to institute an enquiry regarding the bona fides of the mistake said to have been committed by the Petitioners in regard to fixing the date of hearing of Head Assistant's case.

permitted by them to the Governor to
submit his
finding & report 63
the Constitution returned

By order

Draft

for Rec Secretary

C 2

SKB
21/12

66 L.R. 184-92-18

Gen. 31

1896 Pt 9/33 780 JUN. PUBLIC OFFICE

From Deputy Commissioner Tumkur District.

To Secretary to the Govt. of Mysore. Gel and Rev. Departments.

Dated 4th June 1896.

Despatched 6th —do— (19)

Received

General No. 953.

No.

Enclosure No. 3 & a file

His Docket No 5732

P.F. 258-92

of 23rd December 1895.

Reports the result of enquiry made regarding the bona fides of the mistake said to have been committed by Kampali and Ramiah of Biranakatte in the Tumkur Taluk in regard to the date fixed for the hearing of the appeal presented by them to the Deputy Com.

Peterson Branch

8/6/96

H

9/6

Subs with reference to the Rev. Commissioner's Memo. order 8.9.12.96 on Memo No. 447 9/6. The records received relate to the enquiry concerning loss of records. There does not appear to have been an enquiry on the point referred to in the order of this office viz. the bona fides or otherwise of the mistake.

9/6

10/6/96

The Dy Com's letter supplies what was not clear in the Petition viz. that there is no case for any mistake but the Petitioner & other party may be examined as to whether they have been under the impression that Court is [illegible] (sufficiently) open on Sundays. Write D.C.

10/6/96

9-6-96

Draft 11/6

9/6/96

65

No 953.

Re: 34 a.v. file

Deputy Commissioner's office
Tumkúr District
Tumkúr 5th June 1896.

To

The Secretary to the
Government of Mysore
General and Revenue Department

Sir,

I have the honor to ack-
acknowledge the receipt of your
Docket No. 5732 / P.F. 258-92 dated 23. December 1895
forwarding a petition from Kempaki × and
Ramiya of Beranakallu in
the Tumkúr Taluk and request-
ing me to make an enquiry
regarding the bona fides of the
mistake said to have been ack-
committed by the Petitioners in
regard to the date fixed for
the hearing of the appeal present-
ed by them to the Deputy ack-
Commissioner and in reply to ack-
state as follows

× herewith returned with Enclosures

2 The original records
Connected with the Petitioners

2 case has been mislaid in the Taluk cutcherry. From the entries in the Register of Petitions received in this office (Extracts from which are appended for ready reference), Petitioners seem to have presented an appeal in person to Mr. Venkatavarada Iyengar on the 22nd April 1895. The appeal petition was sent on that day to the Amildar of Tumkur with the following order.

This case has been posted for hearing at Tumkur on the 30th instant (April 1895). Petitioner (Sic for Petitioners) has been informed of this. Submit the record in the case. Inform Counter Petitioner of this by means of a notice

3. There can thus be no doubt as to the fact of the

Petitioners having been informed of the date of hearing of the appeal. Hon'ble misstook the date of the hearing for the 2nd of May 1895 is inexplicable. The case was called on the 30th April 1895 but the appellants (Petitioners) were absent. The following order was thereupon passed by Mr Venkataranda Iyengar.

"Appellants were called at the Court House, this day, which was fixed for hearing. Their appearance was awaited till 5 P.M. but the appellants did not appear their appeal is dismissed."

4. This order was registered as No 1260 and bore date the 30th April 1895. With it, the whole of the records connected with the case was transmitted to the Collector.

5. On receipt of the above order

on the 1st May 1895, the Amildar noted the word "File" (28) and sent the papers to his Muneshee Department. On a subsequent date, i.e. about the 9th July 1895, Petitioners said to have applied to the Amildar for the return of the Copies of documents produced by them on appeal and as a matter of fact, after 3 days, Ramaya (one of the petitioners) received back the Copy of the Amildar's order against which he had appealed. This shews that the records were handled by the Taluk officials on or about the 12th July 1895. On the 25th July 1895, the Counter Petitioner applied to the Amildar for the Execution of the order passed in the case and the Amildar directed that the record of the case should be

brought up. This order was never
handed to by the Head Munshee
whose duty it was to do so, apparently
because the records could not be
found. It is plain therefore
that the records were lost between
the 12th and 25th July 1895. The
officials responsible for this
Case are the Head Munshee and the
acting Extra Gumasta who was
his assistant and was doing
the work of the Deputy Munshee
in the absence of the permanent
man on leave. The Head Munshee
explains that the acting Extra
Gumasta to whom he, in the
routine of business entrusted
the records on the 1st May for
the purpose of being registered and
sent to the Record Room, failed
in this duty and is therefore
answerable for the loss. The
Acting Extra Gumasta who has

no permanent appointment. says on the other hand, that he gave the records to the Head Munshee on the 12th July 1895, with a view to the papers on applid for by Petitioner Raniya being returned to him and that they were not given back to him by the Head Munshee The records have not been found although a thorough search has been made for them. The papers which were with the Acting Extra Gumasta were not formally taken charge of either by the Head Munshee or by the permanent Deputy Munshee, after the latter's return from leave. There has appeared been an absence of good understanding between the

Head Munshee and the acting Extra Gumasta as the former had, on several occasions, reported the latter to the Amildar for impertinence and disobedience of orders. The loss of the record is discreditable to the Taluk office. The Head Munshee is mainly answerable for it. In Consideration of his past good service and Conduct as certified to by Amildar Ramaswamiya, I am inclined to be lenient in punishing him for this gross carelessness, and I would recommend that he may be suspended from office and pay for a month and warned to be careful in future.

6 The man who was acting as Extra Gumasta at the

5/ time the records were lost, has no permanent appointment.

7. The vernacular papers Connected with the Enquiry into the loss of the records are herewith submitted

I have the honor to be
Sir
Your most obedient Servant

Narasimha Rao

offg Deputy Commissioner

73

No 1081 dt 13.6.96 Encl: 3 and
P.F. 258-9 Ver: file

Finance

The Secretary to Govt.
Revenue and Rev Deptt

LR (8C) -92-17 To. (20)

The Deputy Commissioner
Tumkur district

Sir,

Adverting to your letter No 953 dated 4 E instant reporting the result of enquiry regarding the bona fides of the mistake said to have been committed by Kempali and Ramiah of Biranakallu in the Tumkur Taluk, in regard to the date fixed for the hearing of their appeals before the Deputy Commissioner I am directed to request that you will be so good as to examine Kempali Ramanji and the Pleader referred to in their application and endorsement

as to whether they came
to court on the 2nd May
1895, as stated in that application, and to report whether in your opinion
~~and whether~~ that
fact is sufficiently
proved

The three enclosures
received with the above —
together with the Vernacular
file are herewith returned
for reference and re-
-submission

Thanks to.
13-6-96
Secretary to Govt.

C 2 drafts

12/6/96

75

Dr 184-9248

Gen. 31.

REVENUE DEPARTMENT
Gl. No. 9813
Pet. No. 862
189 6.4 JUL. 96
DEWAN'S OFFICE.

Subject with reference.
RK
4/7

From The Deputy Commissioner
Trincomalee District

To The Secretary to the
Govt. of Ceylon, Cyl. & Rev.
Departments.

Dated 30th June 1896
Despatched 1st July 1896 (21)
Received

General No. 1014
No.

Enclosure No. 8 Dy aver: file
Dis letter No 1012 dated
13th instant Dr. 258/92

Submitted with reference to the Executive Council's Order on the letter No. 953 of 4/6/96 from the Dy Comr Trincomalee District. The depositions of the parties have been taken down in English.

C
6/7/96

A.S.
6/7/96

It seems to me very probable that the Petr made a bona fide mistake regarding the date of hearing. As soon as the appeal was admitted he informed his Pleader that the case would come on the 2nd proximo. He appeared before the Pleader and was sent by him to Court. Under these circumstances his default to appear on the 30th must be excused and the Dy Comr requested to take the case on file and decide it on merits.

7.7.96

Submitting the statements of Kanapathi Ramanaiya & Pleaders Sandaliamenti Rao & states that among the appellants viz, Ramanaiya came to the Deputy Comr's Office on 2nd May 1895 & was apprized of the rejection of his appeal on the 3rd April preceding.

Petition March
3/7

No 1014 Tumkur District.
Rec: 3 July 96 Deputy Commissioner's Office.
Tumkur 30th June 1896.

To

The Secretary to the Govern-
ment of Mysore - General
and Revenue Departments

Sir,

In reply to your letter
No 10812 dated 13th instant, I
P. F. 258-92
have the honor to submit here-
with the statements of Kampa-
li, Ramiah and Pleader Vara-
harmurti Rao, and to state that
in my opinion, one of the appel-
lants, viz, Ramaiya came to the
Deputy-Commissioner's Office on 2
May 1895 and was apprized of
the rejection of his appeal on the 30th
April preceding -
2 - The vernacular proceedings received
with your letter under reply are here-
with returned -

I have the honor to
Sir
Your most Obedient Servant

M Narain Rao
Offg Deputy-Commissioner

Proc^s. of the Govt. of Mysore

LR 1896-92-19

GOVERNMENT OF MYSORE

(22)

Read:

Petition registered no: 447 dated 26th July 1895 Complaining that their appeal to the Dy. Commr. Tumkur Dt. regarding an irrigation dispute was dismissed ~~by the Dist. Officer~~ for ~~their~~ default, and urging that they were under the impression that ~~the~~ the date of hearing ~~was~~ ~~having that they made a mistake~~ ~~in the matter of hearing appeal before the Dy. Commr. was~~ fixed for the 2nd 1895 whereas the case was called on the 30th April May, ~~instead of~~ 1896.

from "Kempalli & Ramia of Beevan-Kalla, Tumkur Taluk

2. Correspondence ensuing with letter no: 1014 dated 30th ~~January~~ June 1896, ~~forwarding the proceedings of the Enquiry in the matter~~ from the Dy Commr Tumkur District.

No. 390 Encl: 1 vol: file
P.S. 258-92.
D 9/14-7-96.

Order thereon:

It seems very probable ~~that the Government~~ that Ramaiya Petitioner made a bona fide mistake regarding the date of hearing. ~~The~~

soon as the appeal was admitted, he informed his Pleader that the case would come on for hearing on the 2nd May again he appeared before the Pleader on that date, and was sent by him to the Dy. Comm's office. Under these circumstances his default to appear on the 30th April 95 must be excused, and the Dy Comm. is requested to take the case on file and decide it on merits.

Draft
for Secy

C.2

To The Dy Comm
Tumkur Dt
with records,
Enclosed & Rtd

SWR

9/7/96.